

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing: 01 February 2001 (01.02.01)	
International application No.: PCT/US00/20274	Applicant's or agent's file reference: 7679/MH
International filing date: 06 July 2000 (06.07.00)	Priority date: 26 July 1999 (26.07.99)
Applicant: FRANKENBACH, Gayle, Marie et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
27 October 2000 (27.10.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/20274

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 D06M15/643 D06M15/647 D06M23/02 D06M23/06 C08J3/03

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 D06M C08J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3 968 042 A (ERICKSON WAYNE K) 6 July 1976 (1976-07-06) claims	1
X	US 4 020 212 A (ERICKSON WAYNE K) 26 April 1977 (1977-04-26) claims	1
X	WO 92 19671 A (WACKER CHEMIE GMBH) 12 November 1992 (1992-11-12) page 2, line 13 -page 3, line 2 page 8, line 23 -page 9, line 14 -/--	1

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

1 November 2000

Date of mailing of the international search report

15. 11. 2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
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Authorized officer

Fiocco, M

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 00/20274

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>WO 98 56890 A (PROCTER & GAMBLE) 17 December 1998 (1998-12-17) page 3, line 10 -page 5, line 16 page 37, line 10 -page 38, line 10 page 46, line 11 - line 25 page 53, line 12 -page 61, line 26 -----</p>	1-16

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/20274

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 3968042 A	06-07-1976	US 4020212 A	26-04-1977
US 4020212 A	26-04-1977	US 3968042 A	06-07-1976
WO 9219671 A	12-11-1992	DE 4114498 A	05-11-1992
		AT 124433 T	15-07-1995
		AU 659454 B	18-05-1995
		AU 1650392 A	21-12-1992
		BR 9205828 A	27-09-1994
		CA 2105765 C	10-12-1996
		CN 1069749 A, B	10-03-1993
		DE 59202745 D	03-08-1995
		EP 0582611 A	16-02-1994
		ES 2074361 T	01-09-1995
		JP 1954888 C	28-07-1995
		JP 6081788 B	19-10-1994
		JP 6501514 T	17-02-1994
		KR 9700942 B	21-01-1997
		MX 9202068 A	01-11-1992
		US 5443627 A	22-08-1995
WO 9856890 A	17-12-1998	US 5955093 A	21-09-1999
		US 6001343 A	14-12-1999
		US 5968404 A	19-10-1999
		US 5942217 A	24-08-1999
		US 6033679 A	07-03-2000
		AU 7961098 A	30-12-1998
		BR 9810426 A	05-09-2000
		EP 0988064 A	29-03-2000
		EP 0988364 A	29-03-2000
		EP 0988365 A	29-03-2000
		WO 9856888 A	17-12-1998
		WO 9856429 A	17-12-1998
		WO 9856889 A	17-12-1998
		US 5997759 A	07-12-1999
		US 6106738 A	22-08-2000
		AU 4356997 A	30-12-1998
		WO 9856337 A	17-12-1998
		AU 1804699 A	16-11-1999
		WO 9955814 A	04-11-1999
		AU 1711099 A	16-11-1999
		AU 1711199 A	16-11-1999
		WO 9955813 A	04-11-1999
		WO 9955815 A	04-11-1999

PATENT COOPERATION TREATY

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REC'D 27 NOV 2001

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7679/MH	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/20274	International filing date (day/month/year) 26/07/2000	Priority date (day/month/year) 26/07/1999
International Patent Classification (IPC) or national classification and IPC D06M15/643		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 8 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 27/10/2000	Date of completion of this report 22.11.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Koegler-Hoffmann, S Telephone No. +49 89 2399 8611



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/20274

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-114 as originally filed

Claims, No.:

1-16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/20274

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☐ claims Nos. .

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 1-16 (partly).

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/20274

2. ☒ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-5,6-16(partly).

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-5
	No:	Claims	1,6-16
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-16
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations **see separate sheet**

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item I

Basis of the opinion

The search has only been carried out for those parts of the claims which appear to be supported and disclosed. Consequently, the examination is restricted to

a) methods for controlling wrinkles in fabrics by applying a composition according to claims 1 to 5 to said fabrics

b) articles of manufacture comprising a composition according to claims 1 to 5.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

See item I

Re Item IV

Lack of unity of invention

The application lacks unity since the subject matter of independent claims 1, 6, 9, 12, 13, 14 and 16 is not so linked as to form a single inventive concept (Rule 13.1 PCT). Thus, claim 1 refers to a silicone emulsion composition, whereas claims 6, 9, 12 and 13 refer to several different methods of controlling wrinkles in fabric using any wrinkle controlling compositions, and claims 14 and 16 refer to an article comprising a not defined wrinkle controlling composition.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D1: US-A-3 968 042

D2: US-A-4 020 212

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/20274

D3: WO 92 19671 A

D4: WO 98 56890 A

1. Documents D1 and D2 disclose a composition comprising a) polyorganosiloxane, b) surface-active agent c) a buffering agent and water (see D1: column 1, line 59 to column 2, 8; claims; D2: column 1, line 1 to column 2, line 13, claims).

Furthermore, D3 describes an silicone emulsion comprising a silicone, an emulsifier, a buffering system, water and other ingredients (page 2, line 13 to page 3, line 2, page 8, line 23 to page 9, line 14).

In view of D1, D2 and D3 the subject matter of claim 1 is neither novel nor inventive.

The skilled person wishing to provide a buffering system having effective buffering capacity would regard it a normal design option to try several buffering systems in order to solve the problem posed. Thus, the selection of a suitable buffering agent cannot be considered as involving an inventive step (Article 33(3) PCT).

In view of the documents D1 to D3 the subject matter of claim 2 does not involve an inventive step.

2. Document D4 relates to wrinkle controlling composition comprising
a) a silicone compound (see page 37, line 10 to page 40, line 4),
b) a surfactant system (see page 13, line 1 to page 17, line 28),
c) a buffering system (see page 46, lines 11 to 25: pH greater than 6.5),
d) a carrier (page 48, line 4 to page 49, line 4) and
other ingredients.

Moreover, D4 discloses a method of controlling wrinkles on fabric wherein the composition is sprayed on the material using different articles (see D4: claim 10). D4 describes several treating methods (page 59, line 21 to page 62, line 17,

examples).

Thus, in view of D4 none of the independent claims is novel or involve an inventive step.

3. It follows from the documents cited in the application (pages 1 and 2) that aqueous wrinkle control compositions containing silicone, surfactant, water and other ingredients are already known in the art.

According to page 2, lines 27 to 29 the application addresses the problem of finding a silicone oil emulsion composition that remains stable over relatively long periods of time.

The skilled person wishing to provide a buffering system having effective buffering capacity would regard it a normal design option to try several buffering systems in order to solve the problem posed. Thus, the selection of a suitable buffering agent cannot be considered as involving an inventive step (Article 33(3) PCT).

4. The subject matter of claims 1, 6, 9, 11 to 14 and 16 does not fulfil the requirements of Articles 33(2) and 33(3) PCT. Dependent claims contain features which are either known or obvious in the art. Claims 2 to 5, 10 and 15 does not fulfil the requirements of Articles 33(2) and/or 33 (3) PCT.

Re Item VII

Certain defects in the international application

1. The unit of temperature employed in on page 104, lines 5 to 7 is not additionally expressed in terms of the units stipulated by Rule 10.1/(b) PCT.

2. The description of the present application contains the expression "

incorporated herein by reference..". Thus, while describing the present invention, reference has been made to the content of another document which content, however, has not been included in the description of the present application. The examiner considers that this reference merely aims at indicating or acknowledging a relevant state of the art according to Rule 5.1(a)(ii) PCT. Hence, a short comment on the corresponding document appears to sufficient. The comment, however, should be purely factual - Article 34.2(b) PCT.

If it is not necessary to know the content of said documents to carry out the present invention, the expression "..incorporated.." should be cancelled. Should the content or parts of the content of said documents be necessary for carrying out the present invention, the applicant must include in the description of the present application the necessary information taken from said documents, i.e. without contravening the requirements of Article 34.2(b) PCT. The description must contain all the essential features of the invention per se.

Re Item VIII

Certain observations on the international application

The instructions mentioned in claims 14 to 16 must be considered as an instruction how to use a special article. Since such an instruction does not define product features, the addition of said instruction to a product gives no technical feature which could be used for the characterizing of the product (article) claimed in claims 14 to 16.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7679/MH	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 20274	International filing date (day/month/year) 06/07/2000	(Earliest) Priority Date (day/month/year) 26/07/1999
Applicant THE PROCTER & GAMBLE COMPANY		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 00/20274

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 6-16 (partially)
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 6-16 (partially)

Present claims 6-13 and 14-16 relate to an extremely large number of possible methods and apparatuses, respectively. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the methods and apparatus claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to:

- a) methods for controlling wrinkles in fabrics by applying a composition according to claims 1-5 to said fabrics;
- b) articles of manufacture comprising a composition according to claims 1-5.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.